

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KISSINGER N. SIBANDA,

Plaintiff,

-v-

DAVID ELISON et al.,

Defendants.

23-CV-5752 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On August 14, 2024, the Court granted Defendants’ motions to dismiss and motions for sanctions against Plaintiff Kissinger N. Sibanda. ECF Nos. 130-31. On August 23, 2024, Defendant Lin filed a letter motion “to compel Sibanda’s compliance with” the Court’s Order and for “any additional sanctions that might be warranted for non-compliance,” on the ground that — since this Court’s dismissal of the above-captioned action — Sibanda had filed a new action raising similar claims, including claims the Court denied Sibanda leave to plead in an amended complaint. ECF No. 134; *see also* ECF No. 135 (Sibanda’s letter response). On August 25, 2024, Sibanda filed a motion for sanctions against Defendant Lin and her counsel “for . . . misrepresentations made in the motion to compel.” *See* ECF No. 136.


The new action, filed on August 21, 2024, has since been reassigned to the undersigned as related to the above-captioned action. *See* 24-CV-6310 (JMF). Because Defendant Lin’s letter motion concerns Sibanda’s conduct in the new action — and because Sibanda’s motion concerns that letter motion — both motions are DENIED without prejudice to seeking appropriate relief in the new action. That also means that Defendants’ request for “additional time to submit their attorneys’ fees application [pursuant to the Court’s sanctions Order], in the

event that additional reimbursable fees are accrued in connection with proceedings seeking compliance with this Court's dismissal and sanctions orders" is denied; Defendants' joint fee application thus remains due **no later than thirty days after the Court's August 14, 2024 Opinion and Order**, and Sibanda's opposition thereto, if any, remains due **within two weeks of any such application**. *See* ECF No. 130, at 12-13. To the extent that sanctions arising out of conduct relating to the new action may be appropriate, that relief must be sought separately *in the new action*. This case remains closed.

The Clerk of Court is directed to terminate ECF Nos. 134, 136.

SO ORDERED.

Dated: August 29, 2024
New York, New York



JESSE M. FURMAN
United States District Judge